



RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: May 23, 2002

(2) Purpose: Chapter 16-403 WAC, Standards for apples marketed within the state of Washington is amended as follows: WAC 16-403-141 "Red Delicious, Delicious, Golden Delicious Minimum Soluble Solids" increases soluble solids for Red Delicious and Delicious varieties of apples from to 10 percent to 11 percent; WAC 16-403-142 "Red Delicious, Delicious, Golden Delicious—Minimum firmness" establishes firmness standards of eleven pounds for Jonagold and Gala apple varieties; WAC 16-403-190 "Tolerances" establishes a 10 percent firmness tolerance for Jonagold and Gala apple varieties; and WAC 16-403-280 "Adoption of United States standards as state standards" adds a reference to Gala and Jonagold apples made necessary by the amendments to WAC 16-403-141, 142 and 190.

(3) Citation of existing rules affected by this order

- Repealed:
- Amended: WAC 16-403-141, 16-403-142, 16-403-280 and 16-403-190
- Suspended:

(4) Statutory authority for adoption: Chapters 15.17 and 34.05 RCW

Other authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 02-07-118 on March 20, 2002 (date).
Describe any changes other than editing from proposed to adopted version: None

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR ___ on ___ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) August 1, 2002*

Emergency Rules

- Immediately
- Later (specify) ___

*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required

NAME (TYPE OR PRINT)
WILLIAM E. BROOKRESON

SIGNATURE
William E. Brookreson

TITLE
ACTING DIRECTOR

DATE
5/23/02

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

MAY 23 2002

TIME *702-12-011* AM
WSR *405* PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of nongovernmental entity:

New	___	Amended	<u>4</u>	Repealed	___
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The number of sections adopted in the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>4</u>	Repealed	___

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-190 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter or weight, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ten percent of the apples in any lot of Red Delicious, Delicious, ~~((and))~~ Golden Delicious, Jonagold, and Gala varieties shall fail to meet the firmness requirements as defined in WAC 16-403-142.

AMENDATORY SECTION (Amending WSR 01-12-079, filed 6/5/01, effective 7/6/01)

WAC 16-403-141 Red Delicious, Delicious, Golden Delicious--Minimum soluble solids. For harvest of the crop of the current growing season, apples of the Red Delicious and Delicious varieties cannot be shipped prior to October 1, unless they have at least ~~((ten))~~ eleven percent soluble solids as determined by refractometer. Apples of the Golden Delicious varieties, cannot be shipped prior to September 20 unless they have at least ten and one-half percent soluble solids as determined by refractometer.

AMENDATORY SECTION (Amending Order 2032, filed 4/11/90, effective 5/12/90)

WAC 16-403-142 Red Delicious, Delicious, ~~((and))~~ Golden Delicious, Gala, and Jonagold--Minimum firmness. At the time of shipment, Red Delicious, and Delicious varieties shall pressure test not less than twelve pounds: Provided, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: Provided, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

At time of shipment, Gala and Jonagold varieties of apples shall pressure test not less than eleven pounds.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-280 Adoption of United States standards as state standards. In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the

United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for Delicious shall be 25 percent good shade of red color and provided further, that all the United States grades as applied to Red Delicious, Delicious, ((and)) Golden Delicious, Gala, and Jonagold varieties shall meet the firmness requirements of WAC 16-403-142.